



**UNITED STATES DEPARTMENT OF COMMERCE
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VB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/380,200	01/30/95	BIRNSTIEL	M 0652.1080001

HM22/0210
STERNE KESSLER GOLDSTEIN & FOX
SUITE 600
1100 NEW YORK AVENUE NW
WASHINGTON DC 20005-3934

EXAMINER

NOLAN, F

ART UNIT	PAPER NUMBER
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1644

40

DATE MAILED:

02/10/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
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DEA/FCE-1994

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Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

1. In view of the Appeal Brief filed on 5-10-99, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (b) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. The reply filed on 11-15-99 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): The species election. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

A proper species election requires Applicant to elect:

Group 1) a specific protein capable of binding to a cell surface protein

- A) Monoclonal antibody to the gp120 binding epitope of CD4
- B) gp120
- C) Monoclonal antibody which binds to CD7
- D) Monoclonal antibody to CD3

Group 2) a specific polycation

- A) Modified Protamine
- B) Modified Histone
- C) Polylysine

Group 3) a specific nucleic acid

- A) virus inhibitng ribozyme
- B) oncogene inhibitng ribozyme

Applicant is REQUIRED elect one species from Group I, one species from Group II and one species from Group III.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Nolan whose telephone number is (703) 305-1987. The examiner can normally be reached on Monday through Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Christina Chan, can be reached at (703) 305-3973. The FAX number for our group, 1644, is (703) 305-7939. Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the Group receptionist, whose telephone number is (703) 308-0196.

Patrick J. Nolan

Patrick J. Nolan, Ph.D.
Patent Examiner, Group 1640
February 9, 2000